



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
CHARLESTON DISTRICT, CORPS OF ENGINEERS  
69A Hagood Avenue  
CHARLESTON, SOUTH CAROLINA 29403-5107

RECEIVED

DEC 17 2014

DIVISION OF MINING &  
SOLID WASTE MANAGEMENT  
BL&WM

August 8, 2014

Regulatory Division

Mr. Hamer Thomas  
Palmetto Sand Company  
Post Office Box 1893  
Summerville, South Carolina 29484

Dear Mr. Thomas:

This is in response to your letter of June 17, 2014, requesting a Preliminary Jurisdictional Determination (Preliminary), for a 104.14-acre tract, located adjacent and southeast of Wire Road (S-18-19) and Pine Bluff Road, in rural Dorchester County, South Carolina. The project area is depicted on the enclosed plat, entitled: *"Wetland Plat / Prepared For / Palmetto Sand Co. / Located / South Of Dorchester / Dorchester Co. SC"*, and dated: *"revised: May 20, 2014"*. A preliminary jurisdictional determination is used to indicate that this office has identified wetlands or other waters on the property and believes these waters may be jurisdictional waters of the United States. Since the Preliminary does not verify the actual jurisdictional status of wetlands and/or waters of the United States on the property, it relies on the presumption of jurisdiction for the purpose of expediting the request for a Preliminary.

Based on a June 11, 2013, on-site inspection and a review of aerial photography, topographic maps, National Wetland Inventory maps and soil survey information, it has been concluded that the boundaries shown on the referenced sketch or plat are a reasonable approximation of the location and boundaries of the waters found on this site. The property in question contains approximately 48.33 acres of federally-defined freshwater wetlands or other waters. This office should be contacted prior to performing any work in or around these wetlands or other waters. In order for a definitive determination to be provided, these areas should be located and marked on-site, sketched or surveyed, platted on a map, and should be accompanied by a request for an Approved Jurisdictional Determination. Upon receipt of such a request, this office can then issue an approved determination as to jurisdiction (rather than the presumption of jurisdiction). You should also be aware that the areas identified as wetlands or other waters may be subject to restrictions or requirements of other state or local government entities.

Please note that since this jurisdictional determination is a Preliminary, it is subject to change and therefore is not an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR 331. If a permit application is forthcoming as a result of this Preliminary, a copy of this letter, as well as the attached sketch or plat should be submitted as part of the application. Otherwise, a delay could occur in confirming that a preliminary jurisdictional determination was performed for the permit project area.

This preliminary jurisdictional determination is a non-binding action and as such has no expiration until it is superseded by an Approved Jurisdictional Determination. If you intend to

request an Approved Jurisdictional Determination in the future, you are advised not to commence work in these wetlands and/or waters prior to receiving the Approved Jurisdictional Determination.

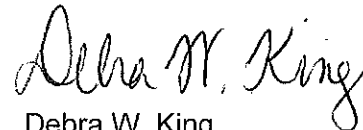
This delineation/determination has been conducted to identify the limits of U. S. Army Corps of Engineers (COE) Clean Water Act jurisdiction for the particular site identified in this request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In future correspondence concerning this matter, please refer to SAC 2013-0171. You may still need state or local assent. Prior to performing any work, you should contact the South Carolina Department of Health and Environmental Control, Office of Ocean and Coastal Resource Management. A copy of this letter is being forwarded to them for their information.

Enclosed are two copies of the Preliminary Jurisdictional Determination Form signed by our office. Please sign both copies, retain one copy for your records and return one signed copy to this office in the enclosed self-addressed envelope.

If you have any questions concerning this matter, please contact Paul Hinchcliff at 843-329-8044 or toll free at 1-866-329-8187.

Respectfully,



Debra W. King  
Watershed Manager

Enclosures:

Preliminary Jurisdictional Determination Form (x2)  
Self-addressed envelope  
Referenced site plat

Copy Furnished:

South Carolina Department of Health  
and Environmental Control  
Office of OCRM  
1362 McMillan Avenue, Suite 400  
Charleston, South Carolina 29405

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): 06 Aug 2014

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:  
Palmetto Sand Co.  
Post Office Box 1893  
Summerville, South Carolina 29848

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:  
SAC\_Charleston / dorch\_palmetto sand / SAC 2013-0171-1Q

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:  
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)  
State: SC County/parish/borough: **Dorchester** City: **Summerville**  
Center coordinates of site (lat/long in degree decimal format):  
**Lat 33.05642°N x Long -80.43364°W**  
Universal Transverse Mercator:  
Name of nearest waterbody: **Edisto River**

Identify (estimate) amount of waters in the review area:

**Non-wetland waters:** linear feet: width (ft) and/or **0.11ac**

**Cowardin Class:** **dc1 - dug conveyance**

Stream Flow:

**Wetlands:** **w'A' - 'wl' = 48.22ac**

**Cowardin Class:** **palustrine forest** **total WOUS = 48.33ac**

Name of any water bodies on the site that have been identified as Section 10 waters:  
**- N/A -**

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐ Office (Desk) Determination. Date:

☒ Field Determination. Date(s): **11 Jun 2013**

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable.

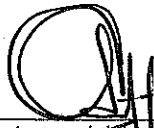
Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

**SUPPORTING DATA. Data reviewed for preliminary JD** (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:  
**Steve Floury, Env't Consulting & Tech, Inc**
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☒ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps:
- ☐ Corps navigable waters' study:
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite scale & quad name: **1:25M / SC\_maple cane swamp**
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation:
- ☒ National wetlands inventory map(s). Cite name: **in USGS-maple cane swamp topo**
- ☐ State/Local wetland inventory map(s):
- ☐ FEMA/FIRM maps:
- ☐ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- ☒ Photographs: ☒ Aerial (Name & Date): **SC99-11204:143**  
or ☒ Other (Name & Date): **11jun2013 – in file**
- ☐ Previous determination(s). File no. and date of response letter:
- ☐ Other information (please specify):

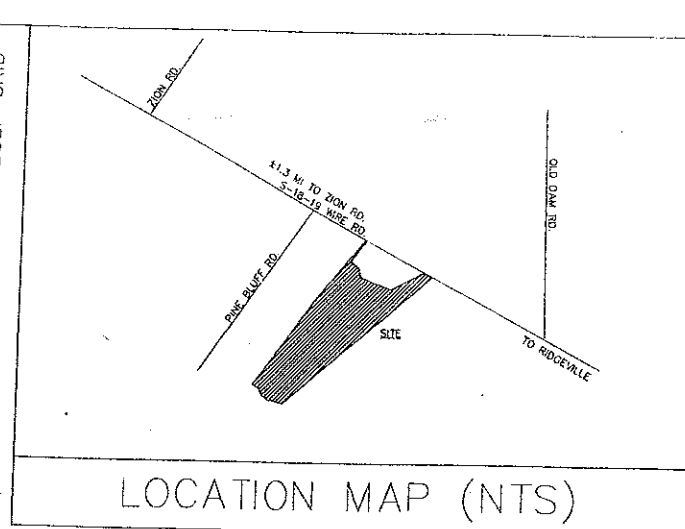
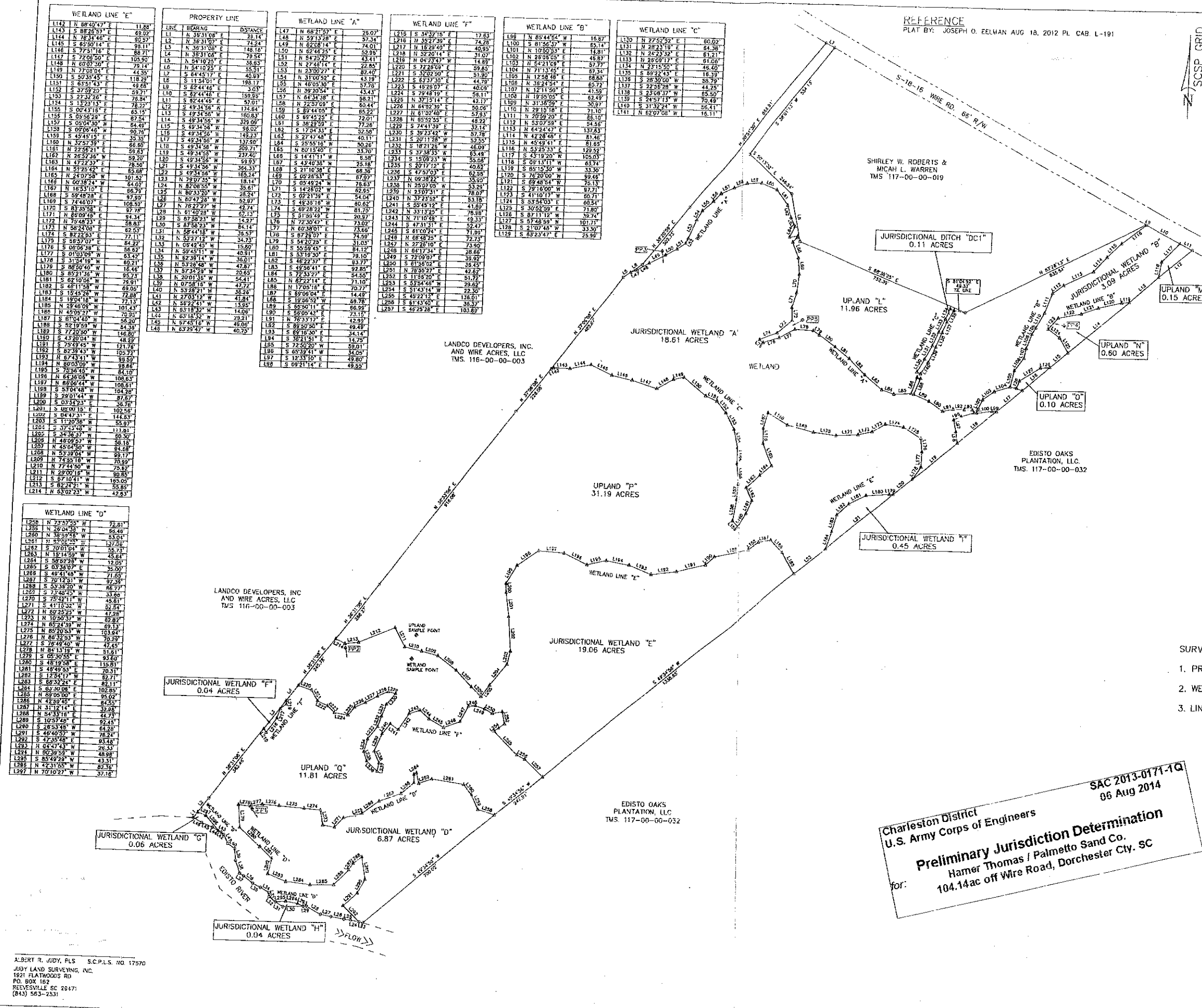
**IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.**

  
\_\_\_\_\_  
Signature and date of  
Regulatory Project Manager  
(REQUIRED)

\_\_\_\_\_  
Signature and date of  
person requesting preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

SAC 2013-0171-1Q / dorch\_badham pringle tract

Site Number	Latitude	Longitude	Cowardin Class	Estimated Amount of Aquatic Resource in Review Area	Class of Aquatic Resource
wA	33.06031°N	-80.43020°W	palustrine forest	18.61ac	non-section 10 – wetland
wB	33.06005°N	-80.42554°W	palustrine forest	3.09ac	non-section 10 – wetland
dc1	33.05927°N	-80.42733°W	riverine	0.11ac	dug conveyance
wD	33.05346°N	-80.43366°W	palustrine forest	6.87ac	non-section 10 – wetland
wE	33.05481°N	-80.43212°W	palustrine forest	19.06ac	non-section 10 – wetland
wF	33.05575°N	-80.43528°W	palustrine forest	0.04ac	non-section 10 – wetland
wG	33.05368°N	-80.43696°W	palustrine forest	0.06ac	non-section 10 – wetland
wH	33.05261°N	-80.43541°W	palustrine forest	0.04ac	non-section 10 – wetland
wI	33.05727°N	-80.42855°W	palustrine forest	0.45ac	non-section 10 – wetland



AREA TABLE	
JURISDICTIONAL WETLAND "A"	18.61 ACRES
JURISDICTIONAL WETLAND "B"	3.09 ACRES
JURISDICTIONAL WETLAND "C"	6.87 ACRES
JURISDICTIONAL WETLAND "D"	19.06 ACRES
JURISDICTIONAL WETLAND "E"	0.04 ACRES
JURISDICTIONAL WETLAND "F"	0.04 ACRES
JURISDICTIONAL WETLAND "G"	0.06 ACRES
JURISDICTIONAL WETLAND "H"	0.04 ACRES
JURISDICTIONAL WETLAND "I"	0.45 ACRES
TOTAL JURISDICTIONAL WETLAND	48.22 ACRES
JURISDICTIONAL DITCH "DC1"	0.11 ACRES
TOTAL JURISDICTIONAL DITCH	0.11 ACRES
UPLAND "L"	11.96 ACRES
UPLAND "M"	0.15 ACRES
UPLAND "N"	0.60 ACRES
UPLAND "O"	0.10 ACRES
UPLAND "P"	31.19 ACRES
UPLAND "Q"	11.81 ACRES
TOTAL UPLAND	55.81 ACRES
TOTAL AREA	104.14 ACRES

- SURVEYOR'S NOTES:
1. PROPERTY LINES WERE TAKEN FROM THE REFERENCE PLAT.
  2. WETLANDS WERE LOCATED USING MAPPING GRADE GPS.
  3. LINE NUMBERS ALONG WETLAND LINES ARE IN CONSECUTIVE ORDER.

Charleston District  
U.S. Army Corps of Engineers  
Preliminary Jurisdiction Determination  
for: Hamer Thomas / Palmetto Sand Co.  
104.14ac off Wire Road, Dorchester Cty. SC  
SAC 2013-0171-1Q  
06 Aug 2014

WETLAND PLAT  
PREPARED FOR  
PALMETTO SAND CO.  
LOCATED  
SOUTH OF DORCHESTER  
DORCHESTER CO. SC  
SCALE: 1" = 200' DATE: OCTOBER 22, 2013  
REVISED: MAY 20, 2014

